

CONFIDENTIAL

January 13, 1983

Memorandum to: Messrs. Greer
Henson
Holtzman
Pepples
Stevens
Witt

Re: January 10 Letter from Assistant
Secretary Brandt of HHS

This afternoon I called Secretary Brandt and told him that Horace Kornegay and I had received his letter (copy attached), that Kornegay was away from Washington at a meeting on the West Coast, and that I was calling to find out a bit more about the letter. I added that, as he knew, I have had the list of ingredients compiled pursuant to our agreement under lock and key in my office since October and have been awaiting word from him as to whom he had designated to review the list.

Secretary Brandt said that the reason for the delay was that they had been working on the task of "developing a total process" to deal with the matter, so that they would not get into any problems on the confidentiality issue. He said that it was this work on developing a process that had led to his January 10 letter. He added that they should be getting to the point fairly quickly of desiring to review the list of ingredients.

With respect to his letter, Secretary Brandt said that it might be that they would never come to us with a specific request. Nevertheless, they wanted to set the machinery in motion so that there would not be unnecessary delay if they wanted to discuss scientific questions with us. He said that they were still thinking through how HHS would review ingredients. He indicated that they would probably start with a literature search on ingredients in which they were interested, and that the next step would be to try to obtain any additional information that is not in the published literature. Expanding on this point, Secretary Brandt said that there could be instances where there is available considerable literature on ingestion or skin-testing, but no published material on studies at high temperatures.

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If the companies had any data in this area which they were willing to share, either individually or collectively, it could be helpful.

In response to my question as to who he was referring to by the reference to "our scientists" in his January 10 letter, Secretary Brandt said that all the people currently engaged in the HHS work were government scientists, in the Public Health Service. He added that at some point, with respect to a particular ingredient or problem, they might well want to consult some outside experts but currently all the planning was in-house.

Secretary Brandt then volunteered that he had on his desk an article from the February/March 1983 issue of Mother Jones and that he wanted to assure me that the comments on cocoa in the article attributed to a government official did not come from him, Dr. Luoto or anyone else working with them. He said that he did not know who the government official might be. I said that I had not yet seen the Mother Jones article and that I appreciated his telling me that the quote in the article did not come from his group. (Secretary Brandt said that he did not have the issue of the magazine but only a photostat, and that the article started at page 54 and was about four pages long. After the conversation, I checked on the availability of the Mother Jones magazine and it apparently will be received by subscribers or be obtainable on the newsstands at the start of the week of January 17.)

I told Secretary Brandt that I would be discussing the matter with Kornegay and with the companies and that we would then be back in touch with him. I said that I gathered from his letter that there was no great urgency on the matter but that I hoped to get back to him fairly soon. He confirmed that this was perfectly O.K.

Stanley L. Temko

Enclosure

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